

"Original"

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 16 2024 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Mohammed Keita

24-cv-05853-ENV-LB

Write the full name of each plaintiff.

CV  
(Include case number if one has been assigned)

"Exhibits Attached"

-against-

COMPLAINT

State Farm Insurance,  
Progressive Insurance,  
Armando Berrios, Joseph F. Sullivan-sullivan & Brill Esq.,  
POM Michael A. Meyerson, and SGT Thomas N. Garguilo

Do you want a jury trial?  
☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

REC'D IN PR SE OFFICE  
AUG 21 2 4 AM 10:57

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

The Following Exhibits attached as follows:  
"Exhibit A" Complaint against State Farm with NYS  
"Exhibit B" State Farm Insurance Response to Complaint  
"Exhibit C" Copy of Original check never cash in Question.  
"Exhibit D" Sullivan & Brill Esq. Lien Release letter.  
"Exhibit E" Attorney Grievance Committee Letter of Investigation against State Farm Insurance Attorney.

Rev. 1/9/17

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☒ Diversity of Citizenship

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Wrongful Neglect and Reckless driving Causing Bodily Injuries, Physical Loss, Economic Loss, Liabilities from Automobile Accident Caused by Armando Berrios with liability determine to be at fault with failed to pay, and misrepresentation and capricious police reports.

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Mohammed Keita, is a citizen of the State of  
(Plaintiff's name)

New York  
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

New York

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.



If the defendant is an individual:

The defendant, State Farm Insurance, is a citizen of the State of  
(Defendant's name)

AZ

or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of

AZ

If the defendant is a corporation:

The defendant, Progressive Insurance, is incorporated under the laws of  
the State of New York

and has its principal place of business in the State of New York

or is incorporated under the laws of (foreign state) New York

and has its principal place of business in New York

If more than one defendant is named in the complaint, attach additional pages providing  
information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional  
pages if needed.

Mohammed Keita  
First Name Middle Initial Last Name

863 Father Capodanno Blvd.  
Street Address

Richmond, Staten Island, NY 10305  
County, City State Zip Code

929-314-6915 mohammedkeita87@gmail.com  
Telephone Number Email Address (if available)

## B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<u>State Farm Insurance</u>		
	<u>Current Job Title (or other identifying information)</u>		
	<u>P.O. Box 52250</u>		
	<u>Current Work Address (or other address where defendant may be served)</u>		
	<u>Phoenix,</u>	<u>AZ</u>	<u>85072-2250</u>
	County, City	State	Zip Code
Defendant 2:	<u>Progressive Insurance</u>		
	<u>Current Job Title (or other identifying information)</u>		
	<u>P.O. Box 22016</u>		
	<u>Current Work Address (or other address where defendant may be served)</u>		
	<u>Albany,</u>	<u>NY</u>	<u>12201</u>
	County, City	State	Zip Code
Defendant 3:	<u>Armando Bervios</u>		
	<u>First Name</u>	<u>Last Name</u>	
	<u>Driver of Acura 2022 at Fault</u>		
	<u>Current Job Title (or other identifying information)</u>		
	<u>36 Grandview Avenue</u>		
	<u>Current Work Address (or other address where defendant may be served)</u>		
	<u>Richmond,</u>	<u>Staten Island, NY</u>	<u>10303</u>
	County, City	State	Zip Code



Defendant 4: Joseph F. Sullivan - Sullivan & Brill LLP  
110 East 59th Street, 23rd flr., NY, NY 10022.

Defendant 5: POM Michael A. Meyerson (Reporting Officer)  
First Name Last Name  
SGT Thomas N. Garguilo (Reviewing Officer)  
Current Job Title (or other identifying information)  
120 Precinct - 78 Richmond Terrace  
Current Work Address (or other address where defendant may be served)  
Richmond, Staten Island, NY 10301  
County, City State Zip Code

### III. STATEMENT OF CLAIM

Place(s) of occurrence: Broadway Avenue, Staten Island,  
(Closed to YMCA)

Date(s) of occurrence: December 21st, 2022

#### FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Armando Berrior with reckless neglect while driving Acura plate # JAM 4840 cross-over a double yellow line with excessive speed of approximately two and half times legal speed limit heading into my lane hitting my Sahara Jeep Wrangler 2022 just purchased with severe forces caused damaged to my car as a total loss and severe bodily injuries. The Acura flipped over with two additional passengers inside as a matter of Liabilities, Negligence, and All other fault established. Shocking Armando Berrior at fault. Copy of Capricious and misrepresentation of police report attached. My rights was breached under NYS VTL 1121. NYS VTL 1121 States of New York State Farm Insurance failed to pay liability caused by their Insured. And, progressive neglected and breached their responsibility by not handling case or claim in good faith. Joseph F. Sullivan was sent a non voided \$30k check to release as Non Recourse allowing me to send it back to state farm Insurance for



Reissue since it was never cash or voided  
or lifted or cancelled by state Farm Insurance.  
A response from from NYS shows March 14, 2024 defendant  
agreed to reissue with Sullivan and Brill, Lien release.  
Armay Co. services with reckless  
neglect for public safety, Neglected  
New York Traffic, law that caused  
me severe bodily injuries, economic  
losses, total lost, Whiplash of  
Contingency liabilities for lien payment  
medical bill, with proposed surgery with  
permanent injuries, and more pain  
and suffering. Monica at Sullivan &  
Brill Esq. Called me to help in August 2024  
and I have the video mail recording.

#### INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Physical loss of Car as Salvage,  
Bodily injuries requiring proposed  
surgery for recovery, capricious and  
misrepresentation of facts by police  
and state Farm Insurance. Sullivan & Brill Esq.  
refusal to return the uncashed/unstop/unvoid checks stop  
me from continuing my followup with NYS  
Complaint causing delay.

#### IV. RELIEF

State briefly what money damages or other relief you want the court to order.

Pay amount believed not to be  
less than \$500,000 (five hundred  
thousand dollars) with includes but not  
limited to: \$100k for Sahara Jeep Wrangler 2022  
(New), Contingent medical bills \$100k, \$100k loss  
of Income, \$200k in Whiplash of additional  
Contingent liability with permanent conditions  
Sullivan & Brill Esq. to return the  
"Original Check uncashed" in their possession  
because they already signed a lien release.  
To either sign the check as "Non Recourse"  
or Return the \$30k to be sent to Court as proof.



## V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated

01/22<sup>nd</sup>/2022

Plaintiff's Signature

First Name

Mohammed

Middle Initial

Father

Last Name

Kaia

Street Address

863 Father Capotanno Blvd.

County, City

Richmond, Staten Island, NY 10305

State

Zip Code

Telephone Number

929-314-6915

Email Address (if available)

mohammedkaia87@gmail.com

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



**United States District Court  
Southern District of New York**

## **Pro Se (Nonprisoner) Consent to Receive Documents Electronically**

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.<sup>2</sup> Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

### **IMPORTANT NOTICE**

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>3</sup>

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<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

<sup>3</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

500 PEARL STREET | NEW YORK, NY 10007  
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

PRO SE INTAKE UNIT: 212-805-0175



## CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

### Civil case(s) filed in the Southern District of New York:

**Note:** This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

\_\_\_\_\_

\_\_\_\_\_

Kaita, Mohammed

Name (Last, First, MI)

863 Father Capodanno Blvd, Staten Island, NY 10305

Address City State Zip Code

929-314-6915 / 347-283-3674

Telephone Number E-mail Address

01/24<sup>th</sup>/2023

Date Signature

### Return completed form to:

Pro Se Intake Unit (Room 200)  
500 Pearl Street  
New York, NY 10007

"Exhibit A"

KATHY HOCHUL  
Governor



ADRIENNE A. HARRIS  
Superintendent

Mohammed Keita  
863 Father Capodanno Blvd.  
Staten Island, NY 10305

March 14, 2024

**RE:** Dept. File #: CSB-2023-01539427  
Your Complaint Against: State Farm General Insurance Co

Dear Mohammed Keita:

This will refer to the complaint you filed with this Department.

The company has submitted a letter to the Department of Financial Services outlining their position, a copy of which we are enclosing for your review.

We recommend that you contact the insurance company representative in the attached letter and comply with their request to resolve your claim.

If you are still not satisfied with the offer amount of your claim, your only alternative is to pursue this matter in a court of competent jurisdiction.

Based on the above, our files will be marked accordingly.

Sincerely,

C.W. Wang

ChengWei Wang  
Financial Services Examiner 1, Consumer Assistance Unit  
212-480-4729  
212-480-6282 (Fax)

Enclosure



" EXHIBIT B "



July 11, 2023

State of New York  
Department of Financial Services  
Insurance Division  
One State Street Plaza  
New York, NY 10004

State Farm Insurance Companies  
PO Box 2320  
Bloomington, IL 61702-2320

Re: DOI File Number:  
Complainant: Mohammed Keita  
Claim Number: 32-43H7-93F  
Date of Loss: December 21, 2022  
Policy Number:  
Company Name: State Farm Mutual Automobile Insurance Company  
NAIC: 25178  
Policy Issue Date:

Dear Customer Assistance Unit:

Thank you for the opportunity to respond to the inquiry filed with the State of New York Department of Financial Services by Customer Assistance Unit. We look forward to addressing these questions.

Our insured was involved in an accident with Mohammed Keita where the facts and versions were conflicting. Mr. Keita filed a prior complaint with respect to our liability investigation which we have addressed with your office. In summary, Mr. Keita filed suit against our insured representing himself then retained an attorney for whom we are including a copy of the letter or representation.

Through ongoing investigation and negotiations with the complainant's attorney we reached a final settlement of \$30,000.00 and we enclose a copy of the signed release by Mr. Keita. The attorney then sent us a letter stating that he was no longer representing the complainant due to allegations the complainant made to the attorney. The attorney filed a lien for his fees while handling the case. Due to the attorney lien filed we issued a co-payable draft for the \$30,000 to the complainant and Sullivan & Brill, LLP.

We do not believe we can reissue the check without the law firm included until we have documentation that the lien is released. We feel our handling is proper and thank you for allowing us to further review this matter.

If you have any additional questions regarding this matter, please feel free to call Auto Claim Team Manager Dave Bryant at (402) 327-3964. Alternatively, please feel free to contact us through your state's reporting portal (if applicable) or email us at the following address which is for use by regulators only: [regulatorycomplaints@statefarm.com](mailto:regulatorycomplaints@statefarm.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremiah Bailey".

Jeremiah Bailey

*Providing Insurance and Financial Services*

*Home Office, Bloomington, IL*

Auto Injury Claim Section Manager  
State Farm Mutual Automobile Insurance Company

Attachments:

Atty Lien from Mr. Sullivan

Drop LTR from Sullivan

Email from CLMT ATTY to Mohammed

Lien amount from prior atty

Litigation Release and email from DA

Litigation retainer agreement

LOR

Payment issued 117297809J



PAYMENT NO 1 17 567828 J  
PAYMENT AMOUNT \$30,000.00  
ISSUE DATE 10-10-2023  
AUTHORIZED BY TONEY, BRENDA  
PHONE (844) 292-8615

"Exhibit C"

CLAIM NO 32-43H7-93F  
LOSS DATE 12-21-2022  
POLICY NO 2210-536-32B  
INSURED BERRIOS, ARMANDO

MOHAMMED KEITA  
863 FATHER CAPODANNO BLVD  
STATEN ISLAND NY 10305-4040

photo  
"The Original Copy of  
This Check is in the  
hands of Sullivan & Brill  
which has never cash  
was sent to the attorney  
to sign a release of "Non Recourse"  
to allow her to continue legal  
action since there is a lien release  
in Court of  
proper Jurisdiction!"

COVERAGE DESCRIPTION  
BODILY INJURY LIABILITY

ON BEHALF OF  
KEITA, MOHAMMED

AMOUNT  
30,000.00

RETAIN STUB FOR RECORDS



STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

AUTO INJURY

INJ B2 OFFICE LI P74ONITE

JPMORGAN CHASE BANK, NA 56-1544/441  
COLUMBUS, OH

1 17 567828 J

CLAIM NO 32-43H7-93F  
LOSS DATE 12-21-2022

INSURED BERRIOS, ARMANDO

DATE 10-10-2023  
MM DD YYYY

\*\*\*\*\*EXACTLY THIRTY THOUSAND AND 00/100 DOLLARS

\$\*\*\*\*30,000.00

Pay to the  
Order of: MOHAMMED KEITA & SULLIVAN & BRILL, LLP, HIS ATTORNEY

Michael T. Lippert  
AUTHORIZED SIGNATURE  
Jon C. Toney  
AUTHORIZED SIGNATURE

SECURED DOCUMENT WATERMARK APPEARS ON BACK, HOLD AT 45° ANGLE FOR VIEWING


11 17 17567828 11 1044 1154431

77714502011

GREEN DROPCUT APPEARS ON FACE OF DOCUMENT

VOID IF GREEN COLORED BACKGROUND IS MISSING

"Exhibit D"

 SULLIVAN & BRILL

110 E 59TH STREET, FLOOR 23  
NEW YORK, NY 10022  
TEL: 212 566 1000

December 13, 2023

Mohammed Keita  
863 Father Capodanno Blvd  
Staten Island, NY 10305

Re: Mohammed Keita v. Armando Berrios  
Date of Incident: December 21, 2022  
Our File No.: 11362533  
State Farm Claim No.: 32-43H7-93F


Mr. Keita:

This letter will confirm that the Attorney Lien dated June 28, 2023 that we filed in the above captioned matter has been satisfied and the lien is hereby withdrawn.

Thank you for your attention to this matter.

Very Truly Yours,

SULLIVAN & BRILL, LLP

  
By: Joseph F. Sullivan, Esq.

Enc.



"Exhibit E"

**ATTORNEY GRIEVANCE COMMITTEE**

STATE OF NEW YORK

SUPREME COURT APPELLATE DIVISION

FIRST JUDICIAL DEPARTMENT

180 MAIDEN LANE - 17TH FLOOR

NEW YORK, NEW YORK 10038

(212) 401-0800

EMAIL: [AD1-AGC@NYCOURTS.GOV](mailto:AD1-AGC@NYCOURTS.GOV)

ROBERT J. ANELLO  
ABIGAIL T. REARDON  
CHAIRS

TINA M. WELLS  
MILTON L. WILLIAMS, JR.  
VICE CHAIRS

JORGE DOPICO  
CHIEF ATTORNEY

DEPUTY CHIEF ATTORNEY  
ANGELA CHRISTMAS  
KEVIN P. CULLEY  
NAOMI F. GOLDSTEIN  
VITALY LIPKANSKY  
RAYMOND VALLEJO

STAFF ATTORNEYS  
LOUIS J. BARA  
SEAN A. BRANDVEEN  
ANDREA B. CARTER  
KEVIN M. DOYLE  
GILLIAN C. GAMBERDELL  
KELLY A. LATHAM  
JUN H. LEE  
NORMA I. LOPEZ  
GINA M. PATTERSON  
ORLANDO REYES  
CHRISTOPHER S. RONK  
YVETTE A. ROSARIO  
REMI E. SHEA  
ERIC SUN

July 8, 2024

PERSONAL AND CONFIDENTIAL

Mohammed Keita  
863 Father Capodanno Boulevard  
Staten Island, New York 10035  
[mohammedkeita87@gmail.com](mailto:mohammedkeita87@gmail.com)  
*Sent By Email Only*

Re: Matter of Richard A. Shannon, Esq.  
Docket No. 2024.1710

Dear Mr. Keita:

We have received your complaint against the above-named attorney. This attorney's primary address for the practice of law, as reflected in the New York State Office of Court Administration records, is not located in our jurisdiction of Manhattan or the Bronx. Accordingly, we are forwarding your complaint and any accompanying documents to the appropriate grievance committee:

Catherine A. Sheridan, Chief Attorney  
Tenth Judicial District  
Grievance Committee  
150 Motor Parkway, Suite 306  
Hauppauge, NY 11788  
*Sent by email only: [AD2-GRV10@nycourts.gov](mailto:AD2-GRV10@nycourts.gov)*

We will take no further action in this matter.

Thank you.

Yours truly,



Jorge Dopico  
Chief Attorney

AC:st  
R-OG

Align top of FedEx Express® shipping label here.

ORIGIN ID: LLYA (917) 865-0909  
MOHAMMED KEITA  
1808 Hylan Blvd  
STATEN ISLAND, NY 10305  
UNITED STATES US

SHIP DATE: 15AUG24  
ACTWGT: 1.10 LB  
CAD: 260010010/WSK13600  
BILL SENDER

Print # 150201/US NY NY EXP 01/23

TO UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
225 CADMAN PLZ E

BROOKLYN NY 11201

(718) 613-2665 REF: MOHAMMED KEITA  
TNU: PAQ ID: 618130 DEPT: 1  
P01



VELO  
Recycle r

TRK# 2783 3590 1235

FRI - 16 AUG 10:30A  
PRIORITY OVERNIGHT

E2 EGXA

11201  
NY-US EWR



RT 340  
FZ B04  
1 10:30  
C 1235  
08.16

FILED  
AUG 16 2024  
BROOKLYN OFFICE